

AN ACT

ENTITLED, An Act to revise the requirements for volunteer firefighters to become eligible for workers' compensation and to update a reference used to determine impairment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 62-1-5.2 be amended to read as follows:

62-1-5.2. Any firefighter who is a member of any county, municipal, special purpose district, or township fire department which has on file a cooperative fire suppression agreement with the South Dakota Department of Agriculture, and has been approved by the governing body for assignment to the state, is eligible for workers' compensation benefits from the state if injured during a period of time commencing from the time dispatched by the state forester until the time the firefighter returns to the location from which the firefighter was originally dispatched by the state forester. In the event of injury or death, the firefighter shall, for the purpose of computing compensation, be considered to be earning a wage that would entitle that person to the maximum compensation for death or injury allowable under this title; but in no event may payments to any firefighter exceed the maximum limitations for benefits as set out in this title.

For purposes of determining compensation any remuneration received by a member who voluntarily serves the department may not be considered.

No firefighter under this section may be deemed a state employee for any purpose other than eligibility to receive workers' compensation from the state under this section.

Section 2. That § 62-1-1.2 be amended to read as follows:

62-1-1.2. For the purposes of this chapter, impairment shall be determined by a medical impairment rating, expressed as a percentage to the affected body part, using the Guides to the Evaluation of Permanent Impairment established by the American Medical Association, fifth edition, November 2000.

Section 3. That § 62-7-39 be amended to read as follows:

62-7-39. An employee, employer, employer's insurer, or self-insured employer may use the results of post-offer base line testing or a functional capacity assessment, as utilized by Guides to the Evaluation of Permanent Impairment established by the American Medical Association, fifth edition, November 2000, performed during the course of employment, or other medical evidence of impairment for the purpose of determining permanent partial or permanent total disability compensation due to an employee.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1247

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1247
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____

for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____

Asst. Secretary of State